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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re application of: Kondrk et al. Attorney Docket No.: 101-P291/P3157US1  
Application No.: 10/687,534 Examiner: Refai, Ramsey  
Filed: October 15, 2003 Group: 3627  
Title: Method and System for Confirmation No.: 7744  
Submitting Media for Network-Based Purchase and Distribution

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**RENEWED PETITION PURSUANT TO 37 CFR 1.137(a)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Attn. Paul Shanoski, Sr. Attorney**

Sir:

Further to "Decision on Petition pursuant to 37 CFR 1.137(a)" (hereafter "Decision on Petition") mailed May 25, 2010 and Applicants' "PETITION TO REVIVE UNAVOIDABLY ABANDONED APPLICATION OR LAPSED PATENT (37 CFR 1.137(a))" (hereafter "Original Submission") filed April 16, 2010, Applicants respectfully request reconsideration.

The Decision on Petition found the Original Submission to be sufficient for requirements (1) and (2) of 37 CFR 1.137(a) but not requirement (3). Requirement (4) of 37 CFR 1.137(a) was found to be inapplicable. Hence, to further support the showing that the delay in filing a response was unavoidable, Applicants provide the following supplemental showing.

Docketing System

Attorney's firm uses a software docketing system (FlexTrac software product Intellectual Property / Case Tracking System) from FlexTrac Systems, Inc. All patent cases are entered into the system. All USPTO correspondence, both incoming and

outgoing, is entered into the docketing system. In the case of an incoming Office Action, the Office Action would typically be entered into the docketing system within not more than 5 days from our receipt of the Office Action. When entered into the docketing system, an associated due date for a response would be set. Typically, a monthly reminder docket print-out would be generated by the docketing system and provided to the responsible attorney. A print-out of an exemplary Reminder List produced by the docketing system is enclosed herewith. A separate manual calendaring of the due date would normally also be done.

#### Docket Records

Also enclosed is a print-out of a U.S. Patent Case Detailed Report (Detailed Report) for the above-identified case. This Detailed Report indicates that the last Office Action was received in March 10, 2009 (mailed March 6, 2010). The Detailed Report is representative of the docket record for this case on February 23, 2010, which is when the missing Office Action was first discovered by accessed PAIR. Consequently, the Detailed Report indicates that the missing Office Action was not in the Docketing System prior to February 23, 2010, which is when the Notice of Abandonment was received and when the missing Office Action was obtained from PAIR. Hence, had the missing Office Action been received prior to the Notice of Abandonment being received, it would have been entered into the docket record as having been received in August 2009.

#### Revival Requested

Applicants earnestly request that the Notice of Abandonment in this application be withdrawn and the application be reinstated for further examination in due course.

Should the Commissioner conclude that the application has gone abandoned and that Applicants' have not provided sufficient support for "unavoidable" revival, Applicants in such case request that this paper be considered as a contingent Petition to Revive the Application under 37 C.F.R. §1.137(b), wherein the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable

petition under 37 CFR 1.137(b) was unintentional. If this paper is treated as a Petition to Revive under 37 C.F.R. §1.137(b), please charge the above-referenced deposit account in the amount of the petition fee set forth in 37 C.F.R. §1.17(m) -- with reduction for the previously paid petition fee of set forth in 37 C.F.R. §1.17(l), if available.

The Commissioner is authorized to charge any fees which may be required, or to credit any overpayment, to Deposit Account No. 504298 (Order No. 101-P291).

Respectfully submitted,

/C. Douglass Thomas/  
C. Douglass Thomas  
Registration No. 32,947

(408) 955-0535 x701

Case Tracking System  
U.S. Patent Case Detail Report

Date: April 16, 2010

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Case Number: 101P291      Status: Pending      Application Type: Utility  
                                    Filing Date: 10/15/2003      Application Serial No.: 10/687,534  
                                    Conf. No.: 7744

Title: Method and system for submitting media for network-based purchase and distribution

Case Management: Sr. Attorney: C. Douglass Thomas  
Primary Attorney: None  
Case Administrator: None

Client: 101      Client Case #: P3157US1  
Apple Inc.

Primary Contact: None

Priority Case:      Case # 101P270P      App. Serial # 60/465,410      Filing Date 04/25/2003      Country US

Related Cases:      Related Case 1. 101P270P      Serial # 60/465,410      Filing Date 04/25/2003      Type Provisional Conversion

Missing Parts (Additional Signatures)/Fee Due was sent on 02/09/2004

No Foreign Filing 'Reminder Date Due' present and no 'Date Foreign Filed' present

The Filing Receipt was received on 01/23/2004

Other Adjustments to Patent Term

None

Inventors: Robert H. Kondrk , Timothy Benjamin Martin, Jeffrey L. Robbin, David Heller, Mike Wiese

Abstract: None

Notes: None

Last Office Action: Final Office Action  
Date Mailed: 03/06/2009      Examiner: None  
Date Received: 03/10/2009      Examiner Phone:  
Response Sent: 06/04/2009      Office: None  
Last Date to File: 09/06/2009  
Date Rec'd in PTO: 06/07/2009  
Office Action Notes: None

Next Office Action Expected: 10/7/2009

Last Assignment:

Case Tracking System  
U.S. Patent Case Detail Report

Date: April 16, 2010

Assigned By: Robert H. Kondrk, Timothy Benjamin Martin, Jeffrey L. Robbin, David Heller, Mike Wiese

Assigned To: Apple Inc.

Effective Date: None

Date Recorded: 04/09/2004

Assignment Notes: None

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## Case Tracking System Reminder List

Date: June 25, 2010

Due	Who	Case No.	Case No.	Case No.
2010-07/01/10	CDT R. A. for PTA-USA	10IP349	10IP349	10IP349
07/08/2010	CDT File D.	10IP349	10IP349	10IP349
07/09/2010	CDT Respond.	10IP403	10IP403	10IP403
07/09/2010	CDT Respond to F.	\$25	Ng Abraham	Ng Abraham
07/09/2010	Client Reminder -	JP Heller	JP Heller	JP Heller
07/09/2010	Application-USA	Weber	Weber	Weber
07/09/2010	Send Client Reminder	Foreign	10IP76	Apparatus for Appl
07/10/2010	Application-USA	10IP672WC	Glass Alte	High Tempera
07/11/2010	PAS	10IP046	Compensatio	Nature Effects in
07/12/2010	CDT R.	10IP583	Method and Ap	Actuators
07/13/2010	CDT Resp.	10IP354D1	Multiple media Y	Actuators
07/14/2010	CDT Resp.	10IP269X1	Method and system I	Actuators
07/15/2010	CDT Review I	0339	Dowdy Hayashi	Network based d
07/15/2010	Application-USA	Neumann	element of podcasts	Network based d
07/15/2010	Respond to Off.	Davis	free stitching of digit	Network based d
07/15/2010	Respond to Advisor	Cue	Purchasing Rngtne	Network based d
07/15/2010	Send Client Reminder	Gold	Product Housings	Network based d
07/16/2010	Application-USA	10IP252X1	Method and s	Network based d
07/16/2010	Receive Next Office Action	10IP611	Media Asset M	Network based d
07/16/2010	Send Client Reminder	10IP705	Sub-Surface Mar	Network based d
07/16/2010	Application-USA	Nashne	Sub-Surface Marking	Network based d
07/16/2010	Reminder to File Foreign	10IP705P	Housings	Network based d
07/16/2010	ISA App.	Kleman	Electronic Devices and N	Network based d
07/16/2010	PAS Respond	Tang	Management of Previous	Network based d
07/16/2010	CDT Respond to ,	Weber	Management of Previous	Network based d
07/16/2010	CDT Send Client Re.	16	Substrates for Forming	Network based d
07/16/2010	II-PCT	10IP7	Thereof	Network based d
07/19/2010	File Assignment-US,	10IP74	Fired Digital Media Asse	Network based d
07/20/2010	Application Publication	10IP674	1 Digital Media Asset	Network based d
07/20/2010	Publication-PCT	10IP674WC	a assets	Network based d
07/20/2010	PTA of Issued Patent, C	10IP587	Face for accessing group	Network based d
07/22/2010	Application for PTA-USA		Method and u.	Network based d